

CANADA
Province of Alberta
487.012

Identifier No:

PRODUCTION ORDER
(Section 487.012 of the Criminal Code)

To:

**RackNine Inc.,
#5, 9353 50th Street NW,
Edmonton, AB, T6B 2L5**

and at or in any other branch location, receptacle or place where RackNine Inc. maintains and stores things referred to as the **DOCUMENTS OR DATA TO BE PRODUCED**, below, and over which RackNine Inc. has possession or control. RackNine Inc. is not under investigation for an offence against this Act or any other Act of Parliament in respect of the offences listed below.

Whereas it appears on the oath of Allan Mathews of the City of Ottawa, in the Province of Ontario, a Public Officer appointed or designated to administer or enforce a federal law and whose duties include the enforcement of the *Canada Elections Act*, hereinafter called the "Informant", taken before me, that there are reasonable grounds to suspect that the following offences have been committed, namely:

OFFENCES

That a person or persons unknown, on May 2, 2011, at or near the City of Guelph and elsewhere in the Province of Ontario, did willfully prevent or endeavour to prevent an elector from voting in an election contrary to paragraph 281 (g) of the *Canada Elections Act*;

And by so doing committed an offence contrary to paragraph 491 (3) (d) of the *Canada Elections Act*, S.C. 2000, c.9 as amended;

AND

That a person or persons unknown, on May 2, 2011, at or near the City of Guelph and elsewhere in the Province of Ontario, did, by pretence or contrivance, induce or attempt to induce persons to vote or refrain from voting or to vote or refrain from voting for a particular candidate and by so doing committed an offence contrary to paragraph 482 (b) of the *Canada Elections Act*, S.C. 2000, c.9 as amended.

AND that the following documents or data will afford evidence respecting the commission of the offence described above:

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- Time schedules, phone calling lists, details of voice broadcast coverage, including the origin and source of the material to be transmitted, and the date and time of day of voice broadcasts and records, reports and call summaries of calls transmitted or which were to be transmitted to any telephone numbers beginning with the 519 or 226 area codes, or which otherwise were directed to any telephone numbers in the Guelph, Ontario area on May 2, 2011;
 - Call Detail Records pertaining to the completion of calls or voice broadcasts transmitted or which were to be transmitted by RackNine Inc. to any telephone numbers beginning with the 519 or 226 area codes, or which otherwise were directed to any telephone numbers in the Guelph, Ontario area on May 2, 2011.
 - Records, reports and summaries generated by RackNine Inc. of the use of phone number 450-760-7746 as a "calling number" for any voice broadcast transmitted or which were to be transmitted by RackNine Inc., and the date and time of day and content of any of voice broadcasts transmitted using this telephone number to any telephone numbers beginning with the 519 or 226 area codes, or which otherwise was directed to any telephone numbers in the Guelph, Ontario area on May 2, 2011.
 - The identification of the actual calling number for any voice broadcast transmitted or which were to be transmitted by RackNine Inc., and the date and time of day and content of any of voice broadcasts transmitted using this telephone number to any telephone numbers beginning with the 519 or 226 area codes, or which otherwise was directed to any telephone numbers in the Guelph, Ontario area on May 2, 2011.

And it further appears that there are reasonable grounds to believe that RackNine Inc. #5, 9353 50th Street NW, Edmonton, AB, T6B 2L5, Province of Alberta, has possession or control of the **DOCUMENTS OR DATA TO BE PRODUCED.**

For the purpose of this Production Order, "Data" is defined in s.487.011 of the *Criminal Code* as:

"Representations of information or of concepts that are being prepared or have been prepared in a form suitable for use in a computer system"

For the purpose of this Production Order, "Document" is defined in s.487.011 of the *Criminal Code* as:

"any medium on which is recorded or marked anything that is capable of being read or understood by a person or a computer system or other device"

You are therefore, hereby ordered;

DOCUMENTS OR DATA TO BE PRODUCED

Copies, certified by affidavit to be true copies of documentation recorded or stored by means of any device; and/or

Documents prepared based on documents or data in existence, as the case might be

located at or through RackNine Inc., #5, 9353 50 Street NW, Edmonton, Alberta, T6B 2L5, however stored (electronically, on microfiche, on paper, on photographic film or any other form), maintained at or by RackNine Inc., relating to:

Correspondence, notes, e-mails, e-mail attachments, minutes of phone conversations, records of decisions, personal notes or other records of contact between or among representatives of the Conservative Party general election campaign in Guelph, or any individual associated to that campaign and RackNine Inc. or any of RackNine Inc. officers or employees between the period of March 26, 2011 and May 31, 2011, concerning the contracting for, production, uploading, storage, dissemination, billing or payment for voice broadcast material that was transmitted or was to be transmitted to any telephone numbers beginning with the 519 or 226 area codes, or that was otherwise directed to telephone numbers in the Guelph, Ontario area on May 2, 2011;

- Customer user names, customer passwords and customer IP addresses associated to the Conservative Party candidate general campaign in Guelph, or to any individual associated to that campaign that was used to interact with RackNine Inc. between the period of March 26, 2011 and May 31, 2011, concerning the contracting for, production, uploading, storage, dissemination, billing or payment for voice broadcast material that was transmitted or was to be transmitted to any telephone numbers beginning with the 519 or 226 area codes, or which otherwise were directed to any telephone numbers in the Guelph, Ontario area on May 2, 2011;**
- Invoices, contracts, receipts, accounts, accounting records, billing or payment records, payment instructions, including cash disbursements journals; concerning the contracting for, production, uploading, storage, dissemination, and billing and payment for voice broadcast material that was transmitted or was to be transmitted to any telephone numbers beginning with the 519 or 226 area codes, or which otherwise were directed to any telephone numbers in the Guelph, Ontario area on May 2, 2011;**
- Scripts or recordings of any audio message intended for transmission or actually transmitted to any telephone number beginning with the 519 or 226 area codes, or which otherwise were directed to telephone numbers in the Guelph, Ontario area on May 2, 2011;**

To produce the documents or data referred to above under **DOCUMENTS OR DATA TO BE PRODUCED** in hardcopy form to Allan Mathews, Investigator, being a public officer appointed or designated to administer or enforce a federal law and whose duties include the enforcement of an Act of Parliament, at the business premises of the Commissioner of Canada Elections, 257 Slater Street, Ottawa, Ontario K1A 0M6 within 30 days from the date of this Order.

Dated this 23rd day of November 2011

At Edmonton, Province of Alberta



A Justice in and for the Province of Alberta

M.G. ALLEN
Provincial Court Judge